United Nations A/HRC/37/NGO/1

General Assembly

Distr.: General
1 February 2018

English only

Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Terre Des Hommes Federation Internationale, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-01492(E)

Please recycle

Right to Development and Sovereignty over Resources of Youth from Western Sahara

It is now the third generation of youth from Western Sahara that is growing up under extremely difficult conditions, deprived of basic rights and needs as the new generation shaping their society, and the future of their people, and the entire region. Their grandparents fled their homeland, Western Sahara, when Morocco occupied the territory back in 1975. These youths are today living either in the refugee camps in southwest Algeria, or in the territory under occupation.

The situation of the children and youths living in the refugee camps in the desert is extremely difficult. The **environmental conditions** are harsh. Last August the temperature rose over 50 degrees Celsius. Heavy sand storms occur frequently, and in winter time, temperatures are freezing. The vulnerability of the refugee population was especially apparent during the heavy raintalls in 2015, when floods destroyed the sand brick houses for a large part of the population. This caused another trauma to the refugees. During the rains, families move to their tents because they fear being buried under houses falling apart.

Due to constantly **decreasing international aid,** basic services in the camps can no longer be guaranteed. In November 2016 the UN agencies WFP, UNHCR and UNICEF issued a warning that insufficient funding of food assistance will inevitably bring with it a cut in basic food rations. In June 2017, the UN Secretary-General expressed his deep concerns over the plight of the Saharawi refugees "who will have their food rations cut due to lack of funding". He informed that the WFP was forced to cut food rations by almost one fifth and stopped the distribution of nutritional supplements to treat anaemia and malnutrition in pregnant women, nursing mothers and young children.1 Reports are confirming malnutrition mainly among children.

The **psychological situation** is straining for the youths growing up in the refugee camps. They have been living their whole life with the promise of one day returning to their homeland. In 1991, the UN sent the peacekeeping Mission MINURSO to the Non-Self-Governing Territory of Western Sahara to organize and implement a referendum on self-determination for the Saharawi people. This was supposed to take one year to complete. People born at the time the referendum was supposed to be held, are now turning 27 years old.

Solidarity and identification with the people of Western Sahara and the Saharawi cause are unbroken among the generation of youth. Thanks to information and communication technologies and the recently installed electricity, the isolation of life in the camps is beginning to subside. Access to information and the possibility of being in contact with peers all around the world are giving new opportunities to youths. At the same time, they are also showing them the limited options they have due to the unresolved conflict and are increasing the feelings of injustice and disappointment.

The **socio-economic situation** of the young(er) generation(s) is also marked by limitations. Due to the lack of higher education institutions in the camps, young Saharawis who have the opportunity and means are seeking higher education abroad. Despite many obstacles young Saharawis in general are very well educated, owing also to the emphasis Saharawi society and its government are placing on the education of children and youths. This has led to a lot of well-educated young people who face very limited job opportunities, many which do not match their skills, and few economic perspectives in the camps. A lot of youth are engaged in voluntary work but brain drain is a serious threat and frustration evident.

Despite these difficulties, a return to Western Sahara is not an option for the youth living in the refugee camps. In the occupied territory of Western Sahara young people are facing discrimination concerning access to the labour market and are similarly suffering from a high level of unemployment. Due to a lack of higher education facilities in the territory, youth who seek higher education have to study in mainland Morocco, where they are severely marginalized.

1 SG/SM/18549-REF/1251-WFP/1083, 2 June 2017

The human rights situation in the occupied territory is worrisome. 2 Children and youths are witnessing violence and human rights abuses by the occupying power or are victims themselves.

The lack of perspectives, (possibilities for) development and economic growth is especially difficult to face for the young Saharawi generation taking into consideration the abundant availability of natural resources in Western Sahara. The young Saharawis are deprived from **access to their own resources**, a right that is closely linked to the right to self-determination and secured in numerous UN legal documents, resolutions and reports. We especially want to mention the first Articles of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which state that "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence." The Committee on Economic, Social and Cultural Rights stated in its October 2015 report that the Saharawis must express their prior, free and informed consent to the exploitation of resources, which still has not been respected.3

With this situation persisting, the young Saharawis have neither been asked about the exploitation of resources in their homeland nor do they benefit from. Of the revenues generated from the resource exploitation in Western Sahara, no amount is transferred to the refugee camps. The revenues from the controversial Moroccan exports of phosphate rock alone were an over 200 million US$ in 2016.4 In comparison, the total amount of annual multi-lateral aid given to the Saharawi refugees is around 30 million Euros.

In the occupied territory of Western Sahara only few Saharawis get employment in the sectors related to resource exploitation. Each week, unemployed Saharawis are demonstrating in the streets to protest about their situation, young jobless Saharawis have resorted to hunger strikes in 2016.5 The Saharawi people never gave their consent to the exploration and exploitation of their resources, on the contrary, they have continuously and legitimately reasoned against it.

The stagnation of the UN-led peace process and the disregard of the international legal basis concerning exploitation of resources in Non-Self-Governing Territories by various stakeholders are extremely frustrating and disillusioning for the young generation of Saharawis. While their rights to "full sovereignty over all their natural wealth and resources"6, self-determination and development as stated in the Declaration on the Right to Development and reaffirmed in the Vienna Declaration 7 are ignored, the exploitation of phosphate, sand and salt, as well as of the fishing and agricultural industries in the Non-Self-Governing Territory of Western Sahara is generating considerable revenues they are not benefiting from. Growing up as a Saharawi is extremely difficult, youths have very few prospects, both for their future and in their everyday lives.

It is of utmost priority that the international community takes its responsibility and allows this new generation of Saharawis to take their future in their own hands. We therefore request the Human Rights Council, the Security Council and the Secretary General to immediately take adequate measures, particularly

2 See e.g. condemnation of Morocco by the UN Committee Against Torture in the case of Naâma Asfari, one of the Gdeim Izik activists, 12 December 2016,CAT/C/59/D/606/2014

3 UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the fourth periodic report of Morocco, 22 October 2015, E/C.12/MAR/CO/4*, §5-6

4 Western Sahara Resource Watch, http://www.wsrw.org/a105x3971, (13.07.2017)

5 See e.g. Report of the Secretary-General on the situation concerning Western Sahara, UN doc. S/2016/355 (19 April 2016), §69

6 Declaration on the Right to Development, A/RES/41/128 (4 December 1986), Art. 1, § 2

7 Vienna Declaration and Programme of Action (25 June 1993), Art. 1, § 2. "All peoples have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development." For "right to freely dispose of natural resources" see e.g. also Article 1 of ICESCR and ICCPR

- First, by supporting actively the right to self-determination of the Sahrawi people as agreed on in the post-1988 referendum agreement between Morocco and POLISARIO brokered by the UN.

- Second, by supporting the respect of international law concerning the peoples' right to access their own natural resources and thereby to safeguard the principle of prior, free and informed consent of the Saharawis.

- Third, through all necessary measures to guarantee the full respect of all human rights and the protection of human rights defenders in the occupied territory of Western Sahara.